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Attorney for Plaintiff, Michael Carl Aceto

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL CARL ACETO,
Plaintiff,
v.
KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
Defendant.

) Case No.: 2:20-cv-02102-EJY
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)
)
**STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT, 28 U.S.C.
§ 2412(d)**
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)

1 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
2 subject to the approval of the Court, that Plaintiff Michael Carl Aceto be awarded attorney fees and
3 expenses in the amount of five thousand eight hundred ninety-eight dollars and twenty-five cents
4 (\$5,898.25) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the
5 amount of four hundred dollars (\$400.00) under 28 U.S.C. § 1920. This amount represents
6 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this
7 civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

8 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
9 matter of Plaintiff's assignment of EAJA fees to Olinsky Law Group. Pursuant to *Astrue v. Ratliff*,
10 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will
11 depend on whether the fees are subject to any offset allowed under the United States Department of
12 the Treasury's Offset Program. After the order for EAJA fees is entered, the government will
13 determine whether they are subject to any offset.

14 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
15 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees and
16 expenses to be made directly to Olinsky Law Group, pursuant to the assignment executed by Plaintiff.
17 Any payments made shall be delivered to Olinsky Law Group, 250 South Clinton Street, Suite 210,
18 Syracuse, NY 13202 (EIN 26-2258247).

19 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
20 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
21 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and
22 all claims that Plaintiff and/or Olinsky Law Group and Hal Taylor may have relating to EAJA attorney
23 fees in connection with this action.

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1 This award is without prejudice to the rights of Hal Taylor and/or Olinsky Law Group to seek
2 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
3 the EAJA.

4 Dated: March 22, 2022 Respectfully submitted,

OF COUNSEL, OLINSKY LAW GROUP

/s/ Hal Taylor
HAL TAYLOR
Attorney for Plaintiff

Respectfully submitted,

10 Dated: March 22, 2022 CHRISTOPHER CHIOU
11 Acting United States Attorney
12 District of Nevada
Nevada Bar No. 14853

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Attorneys for Defendant

IT IS SO ORDERED

IT IS FURTHER ORDERED that the Motion for Attorney's Fees (ECF No. 26) is DENIED with prejudice.

U.S. MAGISTRATE JUDGE

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